



**THE ATTORNEY GENERAL
OF TEXAS**

Grover Sellers

AUSTIN 11, TEXAS

~~JOHN PERRY GENE~~
~~ATTORNEY GENERAL~~

Honorable George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Opinion No. 0-6043

Re: Can salary appropriations for various Medical School branches as shown under separate totals, be considered as one total appropriation for salaries for the purpose of salary changes and substitutions?

Dear Sir:

Your communication, dated May 19, 1944, addressed to this department, reads as follows:

"On page 832, Acts of the Regular Session of the 40th Legislature you will find after item #157, a total appropriation for the Medical Branch of the University, a sum of \$510,810.00.

"After Item 165 a total amount for salaries for the College of Nursing, \$28,750.00. There follows itemized appropriations for salaries for the Hospital for Crippled and Deformed Children and John Sealy Hospital.

"After Item #201, you will find a grand total appropriation for the Medical Branch of \$994,540.00.

"Subsection (2) of the General Rider of the Education Appropriation Bill, reads in part as follows:

"The board of regents or directors within their discretion and with good reason, may pay smaller salaries than those itemized herein, and may make such changes and substitutions within the totals for salaries as may be found necessary, and are authorized to transfer items or parts of items.

"Under the provisions of this Rider, can the salary appropriations for the various branches, for the medical school, as shown under separate totals, be considered as one total appropriation for salaries for the purpose of making salary changes and substitutions?"

Honorable George H. Sheppard, page 2 Opinion No. O-6043

The next to the last paragraph in your communication, above quoted, is the exact language used in the third paragraph of Subsection (2) of the General Rider to the Education Appropriation Bill. See Acts of 1943, 48th Legislature, bottom of page 878. Your attention is directed to the following language contained therein:

" . . . and may make such changes and substitutions within the totals for salaries as may be found necessary," (Emphasis ours)

The underscored words in the preceding paragraph are clear and explicit, and control our answer to the question submitted. They clearly show that such changes and substitutions must be "within the totals for salaries," as shown under separate totals. Such totals are not to be considered as one total appropriation for the purpose of making salary changes and substitutions.

For example, the regents may make changes and substitutions and transfer items or parts of items within the total for salaries appropriated for the School of Medicine; but such changes substitutions and transfers cannot be made at the expense of the School of Medicine and for the benefit of the College of Nursing or of John Sealy Hospital or of any other unit of the Medical Branch, and vice versa.

Your question is, therefore, answered in the negative.

We direct your attention to item 175 for \$85,780.00 for "Maintenance, Equipment and Support" of the State Hospital for Crippled and Deformed Children. Also, Item 201 is for \$98,400.00 for "General Hospital Personnel and Maintenance" for John Sealy Hospital. These items must be deducted from the totals for said units in which they are included, in order to determine the itemized salary total for each of said units. It is within the itemized salary total for each unit of the Medical Branch that changes, substitutions and transfers may be made.

Very truly yours,

APPROVED: JUN 12, 1944

ATTORNEY GENERAL OF TEXAS

/s/ G. P. Blackburn
(Acting) Attorney General of
Texas

By: /s/ L. H. Flewellen
Assistant

LHF:rt

Approved by Opinion Committee
By BWB, Chairman